

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

#2a

<b>DOCKET NUMBER</b>	<b>ANTICIPATED CLASSIFICATION OF THIS APPLICATION:</b>		<b>PRIOR APPLICATION</b>	
	<b>CLASS</b>	<b>SUBCLASS</b>	<b>EXAMINER</b>	<b>ART UNIT</b>
8076.102USC1			S. PRIEBE	1632

U.S. PTO  
09/20/2001

12/03/98

**CERTIFICATE UNDER 37 CFR 1.10:**

"Express Mail" mailing label number: EL119857291US  
Date of Deposit: DECEMBER 3, 1998

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Tim Just  
Name: T. Just

**CONTINUATION APPLICATION UNDER 37 C.F.R. § 1.53(b)**

**BOX PATENT APPLICATION**  
Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This is a request for filing a continuation application under 37 CFR § 1.53(b) of Serial No. 08/619,157, filed on MARCH 21, 1996 entitled DEFECTIVE RECOMBINANT ADENOVIRUSES EXPRESSING CYTOKINES FOR USE IN ANTITUMORAL TREATMENT by the following inventor(s):

<b>Full Name Of Inventor</b>	<b>Family Name</b> HADDADA	<b>First Given Name</b> HEDI	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> ALFORTVILLE	<b>State or Foreign Country</b> FRANCE	<b>Country of Citizenship</b> FRANCE
<b>Post Office Address</b>	<b>Post Office Address</b> 1, RUE JULES-GUESDE-AP. 221	<b>City</b> ALFORTVILLE	<b>State &amp; Zip Code/Country</b> F-94140 / FRANCE
<b>Full Name Of Inventor</b>	<b>Family Name</b> RAGOT	<b>First Given Name</b> THIERRY	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> MEUDON	<b>State or Foreign Country</b> FRANCE	<b>Country of Citizenship</b> FRANCE
<b>Post Office Address</b>	<b>Post Office Address</b> 12 A, RUE CHARLES-INFROIT	<b>City</b> MEUDON	<b>State &amp; Zip Code/Country</b> F-92190 / FRANCE
<b>Full Name Of Inventor</b>	<b>Family Name</b> PERRICAUDET	<b>First Given Name</b> MICHEL	<b>Second Given Name</b>
<b>Residence &amp; Citizenship</b>	<b>City</b> OUARVILLE	<b>State or Foreign Country</b> FRANCE	<b>Country of Citizenship</b> FRANCE
<b>Post Office Address</b>	<b>Post Office Address</b> 20, RESIDENCE DU MOULIN	<b>City</b> OUARVILLE	<b>State &amp; Zip Code/Country</b> F-28150 / FRANCE

1. ☒ Enclosed is a copy of the prior application; including the specification, claims, drawings, oath or declaration showing the applicant's signature, and any amendments referred to in the oath or declaration filed to complete the prior application. (It is noted that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein.) The continuing application is as follows: 15 pages of specification, 13 claims, 1 page of abstract, 1 sheets of drawings, and 2 pages of oath or declaration.
- ☒ The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

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2. ☒ Cancel original claims ~~2, and 9-13~~ of this application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
3. ☒ The filing fee is calculated below:

CLAIMS AS FILED

NUMBER FILED	NUMBER EXTRA		RATE	FEE
<b>TOTAL CLAIMS:</b>				
07 -20	00	x	\$018.00	\$0.00
<b>INDEPENDENT CLAIMS</b>				
02 -3	00	x	\$078.00	\$0.00
			<b>BASIC FILING FEE:</b>	<b>\$0760.00</b>
			<b>TOTAL FILING FEE:</b>	<b>\$760.00</b>

☐ A-Verified Statement that this filing is by a small entity is already filed in the prior application.

☐ A Verified Statement that this filing is by a small entity is attached.

4. ☒ Payment of fees:

☒ Attached is a check in the amount of \$760.00.

☐ Please charge Deposit Account No. 13-2725.

5. ☒ The Commissioner is hereby authorized to charge any additional fees as set forth in 37 CFR §§ 1.16 to 1.18 which may be required by this paper or credit any overpayment to Account No. 13-2725.

6. ☒ Amend the specification by inserting before the first line the sentence:

a' "This application is a ~~Confirmation~~ of application Serial No. 08/619,157, filed March 21, 1996, which application(s) are incorporated herein by reference."

7. ☐ A set of formal drawings (\_\_\_\_ sheets) is enclosed.

8. ☒ Priority of application Serial No. 9203120, filed on March 16, 1992 in France, is claimed under 35 U.S.C. 119.

☐ The certified copy has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.

9. ☒ The prior application is assigned of record to CENTRE NATIONAL DE LA RECHERCHE SCIENTIFIQUE INSTITUT GUSTAVE ROUSSY located at PARIS, FRANCE.

10. ☒ The Power of Attorney in the prior application is to:

Merchant, Gould, Smith, Edell,  
Welter & Schmidt, P.A.  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402-4131

11. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- ☐ Fee for excess claims is attached.
12. ☒ A petition and fee has been filed to extend the term in the prior application until December 3, 1998. A copy of the petition for extension of time in the prior application is attached.
13. ☐ The inventor(s) in this application are less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:
14. ☒ Also Enclosed: Declaration of Majid Mehtali
15. ☒ Address all future communications to the **Attention of Mark T. Skoog** (may only be completed by attorney or agent of record) at the address below.
16. ☒ A return postcard is enclosed.

Respectfully submitted,

MERCHANT, GOULD, SMITH, EDELL  
WELTER & SCHMIDT, P.A.  
3100 Norwest Center  
90 South Seventh Street  
Minneapolis, Minnesota 55402  
(612) 332-5300

Date:

Dec 3, 1998

Mark T. Skoog

Mark T. Skoog  
Reg. No. 40,178  
MTS:PSTlls

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RECEIVED 12/03/98